

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BETTY M. MONCION, :
Plaintiff, :
: **MEMORANDUM AND ORDER**
- against - : 21-CV-377 (AMD) (LB)
NORTH WELL HEALTH STATEN ISLAND :
UNIVERSITY HOSPITAL, et al., :
Defendants. :
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ANN M. DONNELLY, United States District Judge:

On December 18, 2020, the *pro se* plaintiff filed this action pursuant to 42 U.S.C. § 1983 in the United States District Court for the Southern District of New York. (ECF No. 2.) By order dated January 15, 2021, the United States District Court for the Southern District of New York transferred the action to this Court. (ECF No. 3.) By memorandum and order dated February 4, 2021, I granted the plaintiff's request to proceed *in forma pauperis*, dismissed the complaint, and gave her leave to file an amended complaint within 30 days. (ECF No. 6.) The plaintiff did not file an amended complaint within 30 days, and the Court entered final judgment on April 7, 2021. (ECF No. 7.) The plaintiff then filed an amended complaint on April 29, 2021. (ECF No. 8.)¹

In her original complaint, the plaintiff claimed that doctors at the Staten Island University Hospital's emergency room discriminated against her when she sought help. (ECF No. 2.) I dismissed the complaint because it did not state a claim for a civil rights violation pursuant to 42 U.S.C. § 1983 against the private medical facility, and did not provide any other basis for the

¹ The amended complaint is dated April 23, 2021.

Court's subject matter jurisdiction. (ECF No. 6.) In her amended complaint, the plaintiff repeats her allegation that doctors discriminated against her; she claims that the doctors "use discrimination against [her] [] when [she has] problem with [her] high blood pressure and [her] heart." (ECF No. 8 at 5.) She does not state the basis of the alleged discrimination or claim that the hospital or its staff members acted as "state actors" against whom § 1983 civil rights claims may be brought. Because the amended complaint does not cure the deficiencies in the original complaint, it does not serve as grounds to allow this case to proceed.

The plaintiff's amended complaint is dismissed, and this case remains closed. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith and therefore *in forma pauperis* status is denied for purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

s/Ann M. Donnelly

ANN M. DONNELLY
United States District Judge

Dated: Brooklyn, New York
May 5, 2021